

Application No.: 20/509,487
Filing Date: September 27, 2004

REMARKS

Claims 1-50 are pending in the application. Applicants have made no amendments to the claims.

Response to Restriction Requirement

In response to the Restriction Requirement mailed May 14, 2008, Applicants elect to prosecute the claims of Group I (Claims 1-14), drawn to a method of inhibiting the development of drug-induced insulin resistance. In response to the requirement to elect a single species of chromium complex, Applicants provisionally elect chromium picolinate. In response to the requirement to elect a single species of drug from claim 2, Applicants elect contraceptive drugs. Applicants' species elections are made for the purpose of examination only and pursuant to linking claim practice. Pursuant to M.P.E.P. §809.02(a), Applicants maintain that upon a finding that the generic claim is allowable, Applicants will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of the generic claim.

Applicants respectfully traverse the Examiner's requirement to elect whether or not the method further comprises the administration of a chelating agent, or whether or not the method further comprises the administration of a hypoglycemic drug. By requiring Applicants to make these elections, the Examiner is essentially requiring Applicants to choose whether or not they want to have Claims 9-11 and Claim 14 examined, respectively. This requirement is improper. Applicants assert that the Examiner has not set forth a valid reason for requiring Applicants to elect whether or not they wish to have the embodiments set forth in dependent Claims 9-11 and 14 examined, or why they do not have a "single general inventive concept under PCT Rule 13.1" as stated in the Office Action. *See, Office Action* at 4. To ensure Applicants' response is deemed fully responsive to the action, however, Applicants provisionally elect, for the purpose of examination only, and pursuant to linking claim practice, embodiments wherein the method does not comprise the administration of a chelating agent, and embodiments wherein the method does not comprise the administration of a hypoglycemic drug.

The Examiner states that should Applicants elect the presence of a chelating agent, Applicants are required to elect a single chelating agent. Assuming that the Examiner agrees with Applicants' arguments regarding the propriety of the species election, Applicants elect, for

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the purpose of examination and pursuant to linking claim practice, picolinic acid. The Examiner states that should Applicants elect embodiments wherein the method comprises the administration of a hypoglycemic drug, Applicants are required to elect a single hypoglycemic drug. Again, assuming that the Examiner agrees with Applicants' arguments regarding the propriety of the species election, Applicants provisionally elect, for the purpose of examination and pursuant to linking claim practice, embodiments wherein the hypoglycemic drug is metformin.

Claims 1-14 read on the elected species.

No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

CONCLUSION

The undersigned has made a good faith effort to respond to the Restriction Requirement. Nevertheless, if any undeveloped issues remain or if any issue require clarification, the Examiner is invited to call the undersigned attorney to resolve such issues promptly.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: June 16, 2008

By: Kathleen R. Mekjian
Kathleen R. Mekjian
Registration No. 61,399
Attorney of Record
Customer No. 20,995
(619) 235-8550

AMEND

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